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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002134

SIPDIS

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TAGS: PGOV PHUM PREL I2

SUBJECT: DE-BAATH AMENDMENTS AND COMMISSIONERS PENDING
SUMMONING OF POLITICAL WILL, AND RETURN OF TAWAFUQ FRONT TO
GOVERNMENT

Classified By: Political Counselor Matt Tueller for reasons 1.4(b) and (d).

SUMMARY

¶1. (C) Member of Parliament Rashid Azzawi, (Sunni/Arab, Tawafuq, Iraqi Islamic Party) explained to Poloffs on July 6 the state of play regarding the law on Accountability and Justice which passed last February but has been neither implemented nor amended until now. Azzawi confirmed that the Presidency Council recently agreed to a list of amendments to the law, but asserted that Shia fears of a "return of the Baath Party" had stymied further action. Azzawi believes strong pressure will be required to prompt the PM to take steps to amend the law or name the seven new commissioners called for in the law. Azzawi said he is working with senior Shia leaders in the government (ones eligible for firing under the new law) to help convince the PM to move forward.
End summary.

PASSING THE LAW--ONLY THE FIRST HURDLE

¶2. (C) In a July 6 meeting with Poloffs, Iraqi Islamic Party (IIP, Tawafuq) CoR member Rashid Azzawi acknowledged that getting the law on Accountability and Justice LAJ (as a replacement for the 2003 De-Ba'athification Law) passed in February 2008 had been a victory, but noted that the GOI had been under extreme pressure, especially from the U.S., to pass it. Since then, Azzawi said, there had been no pressure and no action to implement the law by passing the amendments proposed by Vice President Hashimi and appointing the seven-member High Commission for Accountability and Justice to oversee implementation of the LAJ.

NO RESPONSE FROM GOI, WILL PRESS AHEAD ON OWN

¶3. (C) Azzawi maintained that GOI leaders did not understand the "danger" of leaving the LAJ unamended, adding that he had explained this to the Minister of Defense, the Minister of State for National Security Affairs Sherwan Wa'ili, and the head of Baghdad security MG Abud Kanbar -- all of whom could be fired under the terms of the new law. Azzawi said he had been pressing them to help convince Maliki to move forward on amending the law, but that Sadrists and ISCI were blocking progress. There were four main amendments to the LAJ that VP Hashimi was pushing for, along with a few other less consequential amendments. Azzawi confirmed that an ad hoc legal advisory team (including himself and two of VP Hashimi's lawyers) had recently agreed to a list of proposed amendments, and that VP Adel Abdel Mahdi's office had given "verbal approval," as has President Talabani's office. The Presidency Council would submit the proposed amendments to the Council of Ministers and the PM's office once support from the Shia parties was clear. In the meantime, Azzawi estimated that the Hewar bloc, Tawafuq, Iraqiyya, and possibly Fadhilah, were supportive of the

amendments ("97 yes votes").

WITH NO COMMISSION, LAJ IS INK ON PAPER

¶4. (C) Azzawi deplored the fact that the Council of Ministers (CoM) had made no move to nominate and appoint members to the High Commission for Accountability and Justice, noting that he had written PM Maliki four times about this, Azzawi stressed that implementation and regulation of the LAJ is impossible without a working Commission. Azzawi was critical of Ahmad Chalabi's role in passing the LAJ, and said he should not be entrusted with its implementation. Nonetheless, he confirmed that the CoR de-Ba'athification committee was currently inactive.

READY FOR COMPROMISE

¶5. (C) Azzawi acknowledged that there was genuine fear in Shi'ite leadership circles, in particular the United Iraqi Alliance (UIA), that an amended LAJ would facilitate the Ba'ath Party's return to power. He maintained that they need reassurances (reinforced by the U.S.) that this would not happen. Azzawi believes U.S. pressure on the GOI to establish the Accountability and Justice Commission would advance the whole National Reconciliation process. He warned that if former Ba'athists are driven to desperation they will be a source of instability and all other reintegration efforts will fail (Note: On July 7, a senior advisor to VP Hashimi told Poloff that the issue would be addressed more forcefully by Hashimi once Tawafuq had returned to government. Hashimi,

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he admitted, had names in mind as nominees for the Commission, but the time was not right to reveal them now. Also, PM Maliki had too many other things on his plate to concern himself about this issue, he concluded. End note).

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